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Attorneys for Plaintiff and Counter-Defendant CENTOCOR ORTHO
BIOTECH, INC. and Third-Party Defendants GLOBAL PHARMACEUTICAL
SUPPLY GROUP, LLC, CENTOCOR BIOLOGICS, LLC and JOM
PHARMACEUTICAL SERVICES, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CENTOCOR ORTHO BIOTECH,
INC. ,

Plaintiff,

v.

GENENTECH, INC. and CITY OF
HOPE,

Defendants.

AND RELATED COUNTER AND
THIRD-PARTY AFFILIATES

Case No. CV 08-03573 MRP (JEMx)

The Honorable Mariana R. Pfaelzer

**[PROPOSED] ORDER GRANTING
CENTOCOR ORTHO BIOTECH,
INC.'S AND ITS COUNTER-
DEFENDANT AFFILIATES'
MOTION FOR SUMMARY
JUDGMENT OF INVALIDITY OF
CLAIM 33 FOR FAILURE TO
COMPLY WITH 35 U.S.C. § 112
(MOTION NO. 4)**

Date: August 17, 2010
Time: To Be Set

1 The Court, having considered Plaintiff Centocor Ortho Biotech, Inc. (“Centocor”)
2 and its Counter-Defendant Affiliates’ Motion for Summary Judgment of Invalidity of
3 Claim 33

4 IT IS HEREBY ORDERED THAT:

5 Claim 33 of U.S. Patent No. 6,331,415 is invalid for failure to comply with the
6 written description requirement of 35 U.S.C. § 112.

7
8 Dated: _____

Honorable Mariana R. Pfaelzer
United States District Judge